



VIA: USPS Certified Mail  
Shipping Event: 1st

December 13, 2011

Texas Biomedical Research Institute  
P.O. Box 760549  
San Antonio, Texas 78245

Jean Frazier  
7620 N.W. Loop 410  
San Antonio, TX 78227

## **SETTLEMENT AGREEMENT**

Dear Sir or Madam:

### **Why You Are Receiving This Letter**

We believe that you violated the Animal Welfare Act (7 U.S.C. § 2131 et seq.) (AWA), as described in the attached Settlement Agreement. Our agency, the Animal and Plant Health Inspection Service (APHIS), is responsible for enforcing the AWA, and other agriculture laws that help prevent the spread of animal and plant pests and diseases, and ensure the welfare of animals.

After providing you with an opportunity for a hearing, we may impose civil penalties of up to \$10,000, or other sanctions, for each violation described in this Settlement Agreement. We are offering you the opportunity to resolve this matter by paying an amount that is much lower than the maximum civil penalty.

### **What You Need To Do Immediately**

You should review the information in this Settlement Agreement, including the citation and notification of penalty.

- If you agree to waive your right to a hearing and pay the penalty, then do the following:
  - Pay the amount due, \$25,714, by **January 26, 2012**. You can pay by check, money order, or credit card. For your convenience, we have included additional instructions for making payments.



- If you are unable to pay the full amount due by **January 26, 2012**, you may be eligible for a payment plan. To request a payment plan, you must use the enclosed form to submit a written response to this letter by **January 26, 2012**, that indicates you wish to pay the penalty and waive your right to a hearing. You must also submit a copy of your most recent federal tax return. As part of your response, please include a phone number and an email address so that we may contact you.
- If you do not agree with the terms of this Settlement Agreement, submit a written request for a hearing, with your Reference Number, to our office by **January 26, 2012**, at 4700 River Rd., Unit 85, Riverdale, MD, 20737.

### If We Do Not Hear From You

If we do not receive a payment or hearing request from you by **January 26, 2012**, we will forward this matter to our Office of the General Counsel for litigation.

### What To Do If You Need Help

If you have any questions concerning this letter, contact Deborah Press at (301) 734-4969, or call our main office at (301) 734-8684.

### **CITATION AND NOTIFICATION OF PENALTY**

We believe that you violated the Animal Welfare Act (7 U.S.C. § 2131 et seq.) (AWA), as described below.

#### **Date of Violation: November 30, 2009**

##### **9 C.F.R. § 3.80(a)(2)(iii) Primary enclosures**

Your facility failed to construct and maintain enclosures so that they contain nonhuman primates securely and prevent accidental opening of the enclosures, including opening by the animal. A juvenile rhesus macaque escaped its enclosure and spent the night outdoors in cold weather. The animal was euthanized due to its weakened condition.

#### **Date of Violation: May 10, 2010**

##### **9 C.F.R. § 2.131(b)(1) Handling of animals**

Your facility failed to handle all animals as expeditiously and carefully as possible in a manner that does not cause trauma, behavioral stress, physical harm, or unnecessary



discomfort. Two baboons escaped an enclosure and injured an employee.

**Date of Violation: May 10, 2010**

**9 C.F.R. § 3.80(a)(2)(iii) Primary enclosures**

Your facility failed to construct and maintain enclosures that contain nonhuman primates securely and prevent accidental opening of the enclosures, including opening by the animal. The lock design in a nonhuman primate facility allowed two baboons to escape the immediate enclosure.